IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BARKAN WIRELESS IP HOLDINGS, L.P.,	§ § § § § § § § § § § §	
Plaintiff,		Case No. 2:18-CV-00028-JRG
v.		
SAMSUNG ELECTRONICS CO., LTD. ET AL,		
Defendants.		

ORDER

Before the Court are Plaintiff's Objections (Dkt. No. 116) to Magistrate Judge Payne's Claim Construction Memorandum and Order (Dkt. No. 105). After reviewing Magistrate Judge Payne's Claim Construction Memorandum and Order and the objections made by Plaintiff, the undersigned OVERRULES the Plaintiff's objections and ADOPTS Judge Payne's Claim Construction Memorandum and Order.
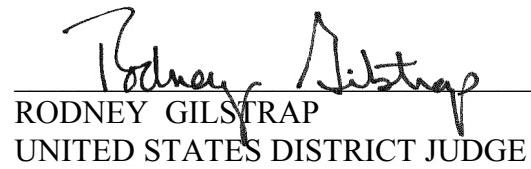
The "consideration-related policy database" term is found within Claims 4, 11, and 19 of the '284 Patent, and the Magistrate Judge construed that term to mean "a database on the Internet that stores information related to billing or pricing policies." (Dkt. No. 105 at 29.) The Magistrate Judge relied upon statements made by the patentee from the prosecution history that the database is located on the internet. (*Id.* (citing Dkt. No. 71, Ex. D, May 20, 2007 Response, at 3 (BARKAN-00000497) (p. 3 of 38 of Dkt. No. 71-10)).)

Plaintiff objects to this construction. Plaintiff argues that the construction is inconsistent with Claims 11 and 19, which require that the database merely be connected

to the packet-based data network. (Dkt. No. 116 at 3.) However, the statements from the prosecution history justify the Magistrate Judge's construction for this term.

The undersigned OVERRULES the aforementioned objection and all other objections made by Plaintiff to Magistrate Judge Payne's Claim Construction Memorandum and Order and will therefore ADOPT this Order.

So ORDERED and SIGNED this 5th day of March, 2019.

RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE